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STATUTORY INSTRUMENTS

1992 No. 1816

FAMILY LAW
CHILD SUPPORT

**The Child Support (Arrears, Interest and Adjustment
of Maintenance Assessments) Regulations 1992**

Made - - - - *20th July 1992*
Coming into force - - *5th April 1993*

^{X1}Whereas a draft of this instrument was laid before Parliament in accordance with section 52(2) of the Child Support Act 1991^{M1} and approved by a resolution of each House of Parliament:

Now therefore, the Secretary of State for Social Security, in exercise of the powers conferred by sections 41, 51, 52(4) and 54 of the Child Support Act 1991^{M2} and of all other powers enabling him in that behalf hereby makes the following Regulations:

Editorial Information

X1 This legislation was made on 20.7.1992 and was published on the SLDB on 21.3.1997 for the first time. Some information has now been added to the item but we have not yet completed carrying its effects into other parts of the database.

Marginal Citations

M1 [1991 c.48.](#)

M2 [Section 54](#) is cited because of the meaning ascribed to the word “prescribed”

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992 and shall come into force on 5th April 1993.

(2) In these Regulations, unless the context otherwise requires—

^{F1}
...

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“the Act” means the Child Support Act 1991;

“arrears” means arrears of child support maintenance;

“arrears of child support maintenance” is to be construed in accordance with section 41(1) and (2) of the Act;

“arrears notice” has the meaning prescribed in regulation 2;

[^{F2}“Maintenance Calculation Procedure Regulations” means the Child Support (Maintenance Calculation Procedure) Regulations 2000;]

^{F3} ...

^{F4} ...

^{F5} ...

[^{F6}“non-resident parent” includes a person treated as such under regulation 8 of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000;]

“parent with care” means a person who, in respect of the same child or children, is both a parent and a person with care;

“relevant person” has the same meaning as in the [^{F7}Maintenance Calculation Procedure Regulations].

[^{F8}“state pension credit” means the social security benefit of that name payable under the State Pension Credit Act 2002.]

- (3) In these Regulations, unless the context otherwise requires, a reference—
 - (a) to a numbered regulation is to the regulation in these Regulations bearing that number;
 - (b) in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number;
 - (c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

F1	Reg. 1(2) words omitted (3.3.2003) by S.I. 2001/162, reg. 5(2)(a) (with reg. 6)
F2	Reg. 1(2) words inserted (3.3.2003) by S.I. 2001/162, reg. 5(2)(b) (with reg. 6)
F3	Reg. 1(2) words omitted (3.3.2003) by S.I. 2001/162, reg. 5(2)(a) (with reg. 6)
F4	Reg. 1(2) words omitted (3.3.2003) by S.I. 2001/162, reg. 5(2)(a) (with reg. 6)
F5	Reg. 1(2) words omitted (3.3.2003) by S.I. 2001/162, reg. 5(2)(a) (with reg. 6)
F6	Reg. 1(2) words inserted (3.3.2003) by S.I. 2001/162, reg. 5(2)(c) (with reg. 6)
F7	Reg. 1(2) words substituted (3.3.2003) by S.I. 2001/162, reg. 5(2)(d) (with reg. 6)
F8	Reg. 1(2) words inserted (6.10.2003) by S.I. 2002/3019, reg. 26(2)

PART II

ARREARS OF CHILD SUPPORT MAINTENANCE ^{F9}...

F9	Words in heading to Part II omitted (see reg. 1(3) of S.I. 2001/162 for effective date) by S.I. 2001/162, reg. 5(3)(a), (with reg. 6)
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Applicability of provisions as to arrears ^{F10}... and arrears notices

^{F11}2.

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- F10 Reg. 2 word in heading omitted (3.3.2003) by S.I. 2001/162, reg. 5(3)(b)(i) (with reg. 6)
- F11 Reg. 2 revoked (25.1.10) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

Liability to make payments of interest with respect to arrears

^{F12}3.

- F12 Reg. 3 revoked (25.1.10) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

Circumstances in which no liability to pay interest arises

^{F13}4.

- F13 Reg. 4 revoked (25.1.10) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

Payment of arrears by agreement

^{F14}5.

- F14 Reg. 5 revoked (25.1.10) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

Rate of interest and calculation of interest

^{F15}6.

- F15 Reg. 6 revoked (25.1.10) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

Receipt and retention of interest paid

^{F16}7.

- F16 Reg. 7 revoked (25.1.10) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

[^{F17}Retention of recovered arrears of child support maintenance by the Secretary of State

8.—(1) This regulation applies where—

- (i) the Secretary of State recovers arrears from an [^{F18} non-resident parent] under section 41 of the Act ; and
- (ii) income support [^{F19} or income-based jobseeker’s allowance] is paid to or in respect of the person with care or was paid to or in respect of that person at the date or dates upon which the payment or payments of child support maintenance referred to in paragraph (2) should have been made.

(2) Where paragraph (1) applies, the Secretary of State may retain such amount of those arrears as is equal to the difference between the amount of income support [^{F19} or income-based jobseeker’s allowance] that was paid to or in respect of the person with care and the amount of income support [^{F19} or income-based jobseeker’s allowance] that he is satisfied would have been paid had the [^{F20} non-resident parent] paid, by the due dates, the amounts due under the child support [^{F21} maintenance

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calculation] in force or to be taken to have been in force by virtue of the provisions of section 41(2A) of the Act .]

- F17** Reg. 8 substituted (22.1.1996) by S.I. 1995/3261, reg. 2
- F18** Reg. 8 words substituted (3.3.2003) by S.I. 2001/162, reg. 5(3) (with reg. 6)
- F19** Words in reg. 8 inserted (7.10.1996) by [The Social Security and Child Support \(Jobseeker's Allowance\) \(Consequential Amendments\) Regulations 1996 \(S.I. 1996/1345\)](#), regs. 1, **3(2)(b)**
- F20** Reg. 8 words substituted (3.3.2003) by S.I. 2001/162, reg. 5(3) (with reg. 6)
- F21** Reg. 8 words substituted (3.3.2003) by S.I. 2001/162, reg. 5(3) (with reg. 6)

PART III

ATTRIBUTION OF PAYMENTS AND ADJUSTMENT OF THE AMOUNT PAYABLE UNDER A MAINTENANCE [^{F22}CALCULATION]

- F22** Words in heading to Part III substituted (see reg. 1(3) of S.I. 2001/162 for effective date) by S.I. 2001/162, reg. 5(4)(a) (with reg. 6)

Attribution of payments

^{F23}9.

- F23** Reg. 9 revoked (25.1.2010) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

Adjustment of the amount payable under a maintenance [^{F24}calculation]

^{F25}10.

- F24** Word in heading to reg. 10 substituted (3.3.2003) by S.I. (2001/162), reg. 5(4) (with reg. 6)
- F25** Reg. 10 revoked (25.1.2010) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

[^{F26}Reimbursement of a repayment of overpaid child maintenance

10A.—(1) The Secretary of State may require a relevant person to repay the whole or a part of any payment by way of reimbursement made to an [^{F27} non-resident parent] under section 41B(2) of the Act where the overpayment referred to in section 41B(1) of the Act arose—

- (a) in respect of the amount payable under a maintenance [^{F28}calculation] calculated in accordance with Part I of Schedule 1 to the Act and where income support [^{F29}, state pension credit] [^{F30} or income-based jobseeker's allowance], ^{F31}... was not in payment to that person at any time during the period in which that overpayment occurred or at the date or dates on which the payment by way of reimbursement was made; or

^{F32}(b)

(2) In a case falling within section 4 or 7 of the Act , where the circumstances set out in section 41B(6) apply, the Secretary of State may retain out of the child support maintenance collected by him in accordance with section 29 of the Act such sums as cover the amount of any payment by way of reimbursement required by him from the relevant person under section 41B(3) of the Act .]

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- F26** Reg. 10A inserted (22.1.1996) by S.I. 1995/3261, reg. 3
- F27** Words in reg. 10A(1) substituted (3.3.2003) by (S.I. 2001/162), reg. 5(4)(c) (with reg. 6)
- F28** Words in reg. 10A(1)(a) substituted (3.3.2003) by S.I. 2001/162, reg. 5(4)(b) (with reg. 6)
- F29** Word in reg. 10A inserted (6.10.2003) by S.I. 2002/3019, reg. 26(3)
- F30** Words in reg. 10A inserted (7.10.1996) by [The Social Security and Child Support \(Jobseeker's Allowance\) \(Consequential Amendments\) Regulations 1996 \(S.I. 1996/1345\), regs. 1, 3\(2\)\(c\)](#)
- F31** Words in reg 10A(1)(a) omitted (3.3.2003) by S.I. 2001/162, reg. 5(4)(e) (with reg. 6)
- F32** Reg. 10A(1)(b) omitted (3.3.2003) by S.I. 2001/162, reg. 5(4)(e) (with reg. 6)

[^{F33}Repayment of a reimbursement of a voluntary payment

10B. The Secretary of State may require a relevant person to repay the whole or any part of any payment by way of reimbursement made to a non-resident parent under section 41B(2) of the Act where—

- (a) a voluntary payment was made;
- (b) section 41B(1A) applies; and

income support[^{F34}, state pension credit] or income-based jobseeker's allowance was not in payment to that person at any time during the period in which the voluntary payment was made or at the date or dates on which the payment by way of reimbursement was made.]

- F33** Reg. 10B inserted (3.3.2003) by S.I. 2001/162, reg. 5(4)(f) (with reg. 6)
- F34** Words in reg. 10B inserted (6.10.2003) by S.I. 2002/3019, reg. 26(3)

PART IV MISCELLANEOUS

Notifications following an adjustment under the provisions of regulation 10

^{F35}**11.**

- F35** Reg. 11 revoked (25.1.2010) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

Review of adjustments under regulation 10 or of the calculation of arrears or interest

^{F36}**12.**

- F36** Reg. 12 revoked (25.1.2010) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

Procedure and notifications on applications and reviews under regulation 12

^{F37}**13.**

- F37** Reg. 13 revoked (25.1.2010) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

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Non-disclosure of information to third parties

^{F38} 14.

F38 Reg. 14 revoked (25.1.2010) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

Applicability of regulations 1(6) and 53 to 56 of the Maintenance Assessment Procedure Regulations

^{F39} 15.

F39 Reg. 15 revoked (25.1.2010) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

[^{F40}Supersession of decisions

^{F41} 16.

F40 Regs. 16-17 inserted (1.6.1999) by S.I. 1999/1510, art. 28
F41 Reg. 16 revoked (25.1.2010) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

Application of regulations 1(6), 10(3) and 53 of the Maintenance Assessment Procedure Regulations

^{F42} 17.]

F40 Regs. 16-17 inserted (1.6.1999) by S.I. 1999/1510, art. 28
F42 Reg. 17 revoked (25.1.2010) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

Signed by authority of the Secretary of State for Social Security.

Alistair Burt
Parliamentary Under-Secretary of State,
Department of Social Security

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to arrears of child support maintenance payable under the Child Support Act 1991 (“the Act”), interest on such arrears, and the adjustment of maintenance assessments.

Regulation 1 contains interpretation provisions.

Regulations 2, 3 and 4 provide for the service of an arrears notice where arrears of child support maintenance have arisen, and prescribe the circumstances where liability to make payments of interest with respect to arrears arises.

Regulation 5 provides for the payment of arrears by agreement and contains provisions as to interest where such an agreement has been entered into.

Regulation 6 prescribes the rate of interest payable on arrears, and how interest is to be calculated.

Regulation 7 makes provision as to the payment of interest and for the retention of interest by the Secretary of State.

Regulation 8 prescribes circumstances where the Secretary of State may retain recovered arrears of child support maintenance.

Regulation 9 provides for the attribution of payments where there are arrears of child support maintenance.

Regulation 10 provides for the adjustment of amounts payable under a maintenance assessment, and regulation 11 makes provision in respect of notifications following such an adjustment.

Regulation 12 provides for reviews of adjustments under regulation 10 and of the calculation of arrears and of interest payable with respect to arrears. Regulation 13 makes provision as to procedure and notifications on applications and reviews under regulation 12.

Regulations 14 and 15 apply certain provisions of the Child Support (Maintenance Assessment Procedure) Regulations 1992 to the provisions of these Regulations.

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